

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SELENA STALEY, VIVIAN HOLMES, and OLIVE :  
IVEY, on behalf of themselves and all others similarly :  
situated, :

Plaintiffs, :

v. :

FSR INTERNATIONAL HOTEL INC. d/b/a FOUR :  
SEASONS HOTELS AND RESORTS, HOTEL 57 :  
SERVICES, LLC, HOTEL 57, LLC, TY WARNER :  
HOTELS & RESORTS, LLC, and H. TY WARNER :

Defendants. :

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Case No.: 22-CV-6781 (JSR)

**DECLARATION OF  
MARC B. ZIMMERMAN**

I, Marc B. Zimmerman, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am a Partner at Smith, Gambrell & Russell, LLP, attorneys for Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC and H. Ty Warner (collectively the “Warner Defendants”). I have personal knowledge of the matters set forth in this declaration.

2. I submit this declaration in support of the Warner Defendants’ motion for summary judgment in the above-captioned action, submitted herewith.

3. A true and correct copy of the First Amended Complaint in the above-captioned action dated December 19, 2022, is annexed hereto as **Exhibit A**.

4. A true and complete copy of the Declaration of Evan Brustein dated December 5, 2022, with accompanying Exhibit A (the U.S. EmPact<sup>SM</sup> Employee Handbook revised February 1, 2018), and Exhibit B (Declaration of Selena Staley dated December 4, 2022), Exhibit C (Declaration of Vivian Holmes dated December 5, 2022) and Exhibit D (Declaration of Olive Ivey dated December 5, 2022) thereto are annexed hereto collectively as **Exhibit B**.

5. A true and complete copy of the deposition transcript of Olive Ivey, dated March 31, 2023 is annexed hereto as **Exhibit C**.

6. A true and complete copy of the deposition transcript of Elizabeth Ortiz, dated April 3, 2023 is annexed hereto as **Exhibit D**.

7. A true and complete copy of the deposition transcript of Cathy Hwang, dated April 14, 2023 is annexed hereto as **Exhibit E**.

8. A true and correct copy of relevant portions of the deposition transcript of Antione Chahwan, dated April 10, 2023 is annexed hereto as **Exhibit F**.

9. A true and correct copy of the deposition transcript of Selena Staley, dated April 11, 2023 is annexed hereto as **Exhibit G**.

10. A true and correct copy of the deposition transcript of Vivian Holmes, dated March 30, 2023 is annexed hereto as **Exhibit H**.

11. A true and correct copy of the Declaration of Vivian Holmes, dated February 6, 2023 is annexed hereto as **Exhibit I**.

12. For the reasons set forth in: (a) the accompanying Memorandum of Law, (b) the Declaration of Cathy Hwang dated May 30, 2024, (c) the Declaration of Elizabeth Ortiz dated May 30, 2024 and the exhibits annexed thereto, (d) the accompanying Declaration of Kathryn T. Lundy in Support of the Warner Defendants' Motion for Judicial Notice, dated May 31, 2024 and the exhibits annexed thereto, and (e) the Memorandum of Law in Support of the Motion for Judicial Notice dated May 31, 2024, the Warner Defendants' Motion for Summary Judgment should be granted, in its entirety.

13. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
May 31, 2024

By: /s/ Marc B. Zimmerman  
Marc B. Zimmerman